

JURY AWARDS \$7,750 FOR A GIRL'S FOOT

Miss Gilmartin Secures a Big Verdict from the Street Car Company.

McHUGH CASE IS ONCE MORE ON

Somewhat Famous Suit in Which One of the Late Richard McHugh's Judgment Notes is the Cause of War--Major Warren and Mr. Kelly Have a Hot Encounter Over the Admission of Testimony and Once Made Some Pointed Remarks.

The jury in the case of Miss Lizzie Gilmartin, of Carbondale, against the Lackawanna Valley Rapid Transit company, yesterday returned a verdict in favor of the plaintiff for \$7,750. Miss Gilmartin sued for the loss of her foot and other injuries sustained by being run down by one of the defendant company's cars on the night of June 11, 1888. Mr. Hand, attorney for the company, made application for a new trial forthwith.

The re-trial of the McHugh case was commenced before Judge Gunster in the morning. It was on all day and is likely to continue until tomorrow or later, judging from the rate of progress attained yesterday. The attorneys are O'Brien & Kelly and John R. Edwards for the plaintiff and Major Everett Warren, John F. Scragg and Colonel F. J. Fitzsimmons for the defense.

The case is an action on the part of A. J. McHugh against Bridget McHugh, executrix of the estate of Richard McHugh, deceased, to recover on a judgment note of \$847.50. The defense is that it has been paid in full and this is an attempt to collect it a second time.

The note was originally for \$500 and was given by Richard McHugh to Mary Pulver. It was subsequently assigned to a person named Ward, who afterwards assigned it to John Fitzpatrick, trustee, who afterwards assigned it to Mary McHugh, sister of Richard McHugh, deceased. This last assignment was in 1870. No receipts were made until 1891, when Anthony J. McHugh, nephew of Richard and Mary McHugh, obtained an assignment of the judgment from his aunt, Mary McHugh. When he obtained this assignment Richard McHugh was seriously ill, the defendants contend, and everything pointed towards his death. This assignment, as well as the assignment from Fitzpatrick to Mary McHugh, were not put on record, but were left with H. M. Hannah, attorney for Mary McHugh, who entered them a few days preceding Richard's death.

THE NOTE PRESENTED. The plaintiff's case was simply a presentation of the note and the court records, which was made by John R. Edwards. The defense then started in to prove that the note had been paid, but never delivered. Mr. Scragg making the opening address.

Grocer George Reed and his wife were put on the stand to testify to conversations in 1882 or thereabouts in which Mary McHugh acknowledged having received full settlement for the note. Mrs. Reed testified that Mary came to her one day in their store on Wyoming avenue and told her that she had made a settlement with her brother whereby she was to get \$20 a month, room and fuel for the remainder of her days in consideration of her cancelling the "notes" which she held against him. She told this to Mrs. Reed in order to get her opinion as to whether or not she had made a good bargain. Mrs. Reed told her she thought she had done well, "but you must remember," said Mary, "I can never have any other claim on my brother. It is a settlement in full of all demands."

Another day, according to the testimony of the Reeds, Mary McHugh was in their store making some purchases when Richard came in the back way and recognizing his sister's voice, assailed her, saying: "She has my notes and won't give them up." Mary replied: "I know it. I will give them to you, but I can't give them now. No harm will ever come to you from them."

By this, the defense tries to show that the present judgment, which was one of the notes referred to, was paid, but held by Mary as a lever with which to compel Richard to live up to his agreement in regard to supporting her. The plaintiff showed on cross-examination that this testimony about the latter scene in the grocery store was not referred to in the former trial by either of the Reeds.

LAWYER ON THE STAND.

The only other witness was Attorney Hannah. He was on the stand nearly all afternoon, but he was permitted to do little else than sit there. Major Warren and Mr. Kelly, who were examining him, became engaged in a hot wrangle over the admission of testimony and it was two hours before the first question was propounded to the witness.

It was a battle royal and was watched with keen interest by a score of lawyers. Once the combatants lost their temper and said some things to one another, but although provocation enough was given, no blows were struck.

This is the second trial of the case. At the former trial a verdict was rendered in favor of the plaintiff. Judge Edwards awarded a new trial on technical grounds.

There Is No Reason

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OIL OR GAS HEATER

WE HAVE THE FOLLOWING KINDS: Standard Oil Heaters (2 sizes.) Majestic Oil Heaters (2 sizes.) Oil Radiators, Blue and White Flame, 1, 2 and 3 Burners. Banner Lamp Stoves. Gas Radiators, nickel and bronze finish.

WE ARE SATISFIED THAT AFTER YOU HAVE COMPARED OUR GOODS AND PRICES WITH OTHERS, YOUR BUSINESS WILL COME OUR WAY.

FOOTE & SHEAR CO. 110 Washington Avenue.

THE TWO COUNCILS WERE IN SESSION

Mr. Manley Presided Over the Meeting of the Selectmen

GREEN RIDGE PAVING ESTIMATES

Were Received from the City Engineer--Large Expenditure of Money is Involved--Resolutions Which Are Steps Toward the Eventual Paving of Sixth Street--Mr. Kearney Aims Another Blow at His Colleague, Mr. Grier.

Both branches of council met last night, select council in regular and the commoners in adjourned session. For the proposed extensive bit of paving in Green Ridge, estimates were submitted by City Engineer Phillips. If pavements are laid upon all the streets in question the cost will be from \$4,350.00 to \$8,547.50 according to whether vitrified brick or asphalt is used. There is an absence of established grades on some streets and a consequent question of damages which may interfere with an early beginning of the work.

In common council three letters were received from the city engineer and contained the following: I have made the following estimate for paving Capouse avenue from Ash street to Green Ridge street and Green Ridge street from Capouse avenue to Sanderson avenue: Sheet asphalt on a concrete base curbing and incidentals, \$4,275.80 Vitrified brick, \$8,252.80 The street car tracks (as at present) are deducted. Pot paving Sanderson avenue from Marion street to East Market street: Sheet asphalt on a concrete base curbing and incidentals, \$2,225.80 Vitrified brick, \$3,200.80 The street car tracks (as at present) are deducted.

COURT HOUSE NEWS NOTES.

Additional executions have been issued against William Shafter, of the Bell clothing house, by D. L. Newburg & Son, of Philadelphia, and by Lewis & Abrams, as with the former ones a rule was granted to show cause why the attachments should not be stricken off. Attorney Nathan Vintner represented Mr. Shafter. Two executions were issued yesterday against Henry P. Wilcox, druggist, of Clark's street, at the instance of his wife, R. Emma Wilcox. One is for \$150 and the other for \$100. The sheriff will serve the attachments today. Attorney H. D. Carey yesterday applied for a charter for James Stuart council, No. 70, Junior Order United American Mechanics, of Ferry street, Van Klom, Walter Snyder, Henry M. Myers, Francis Gendall, Thomas Price and Norman G. Everett are the subscribing petitioners.

JUDGE AND RYAN WILL MEET.

They Are to Box Twenty Rounds in This City Dec. 9.

All details have been settled and a side bet of \$500 posted between James Judge, of this city, and Tommy Ryan, of Philadelphia, who will meet in this city Dec. 9 at Music Hall. They will box twenty rounds at 140 pounds. The bout will be given under the auspices of the American Sporting club, of which Jack Skelly, of Brooklyn, is manager and will be for the welterweight championship of this state. Since Ryan got a decision over Jack McAuliffe in this city, the former has met and defeated six opponents. He would have shown up to better advantage in his battle with McAuliffe but for an injury to his hand in the second round. Nothing was known of this accident until some days after the fight. Since then Ryan has shown great improvement. He will be the best man that Judge has ever met.

COUNTRY CLUB SHOOT.

Members Will Test Their Expertness on Thanksgiving Day.

An event devised for amusement purposes only and which will no doubt attract a large crowd of members, will be a clay pigeon shoot at the Country club on Thanksgiving day. It is possible that those examining the affair in charge will hit upon a "turkey, chicken and duck shoot" as a side attraction. It is not known that the club contains any crack shots, but just on that account a great deal of sport is anticipated. There will be three traps. The shooting conditions have not been fully decided upon, but it is intended to have a 21-yard rise. George Brooks, chairman; F. C. Fuller and J. M. Boies are the committee arranging for the "shoot," which will begin at 10 o'clock.

VOLUNTEER FIREMEN OFFICERS.

Nominations Were Made at Wednesday Night's Meeting.

Officers for the Volunteer Firemen's association were nominated as follows at a meeting held Wednesday evening in the Nay Aug building: President, F. W. Zitzeman; vice-presidents, Ollie Besmer and George Fenne; secretary, Walter E. Moir; financial secretary, Joseph W. Hall; treasurer, Fred. Durr; nine members of the executive committee as follows: H. Kingsley, Columbia; Henry Kiefer, Neptune; Ensl, Whitman, Relief; D. J. McDonald, Eagle; E. H. Van Camp, Independents; W. S. Potter, Independents; Dunmore; C. E. Becker, Phoenix; W. C. Eldridge, Niagara; A. K. Simrell, General Phinney.

DISPUTE HAS BEEN SETTLED.

Robinson Street Improvements Will Now Be Completed.

The long standing dispute between George W. Brown and the city of Scranton about the fence line on Robinson street in front of the Brown property was amicably adjusted yesterday in a conference between Attorney D. J. Davis, representing Mr. Brown and City Solicitor McKinley, Mayor Bailey and City Engineer Phillips. For a consideration which will not be made public until reported to council, it is agreed that the city can open the street to its full width and besides, erect a retaining wall on Mr. Brown's land. This means that the work of laying sidewalks at that point will now be pushed to completion. The contractors had refused to lay the sidewalk at that point because of the possibility of being tangled up in a damage suit.

SCHOOLING OUT OF SCHOOL.

Germany's Bands of Tramp Students May Have a Good Time and Learn Much.

From The Congregationalist. A bicycle tour last July brought to our notice a feature of public education in Germany which might wisely be imitated in this country. We arrived one day at Goslar, on the northern edge of the Harz mountains. The proprietor of our hotel was busy preparing for the coming of sixty boys. They arrived the next evening with their knapsacks, on foot, accompanied by three or four teachers. In the large dining hall, after their bread and beer, brief addresses were made to them and they sang lustily several patriotic and folk songs. They were a lively body. Its features of the Fatherland. We afterwards saw them in various excursions in the neighborhood. Such companies of students were often met with in the Harz and in the Thuringian forest. We learned that these journeys are an important part of school life. The pupils come sometimes from small villages, sometimes from the larger towns. The proposed route is laid out weeks or even months beforehand. The pupils draw maps of the region through which they are to pass. Its features of geographic, historic, literary and geological interest are pointed out to them. They are told what they may expect to see and how to see it.

Usually each pupil makes a weekly contribution toward the cost of the trip till the amount needed is secured. Of course strict economy is practiced and the expense is small. Often they sleep in barns or in large halls, covered with straw. They are instructed as to their outfit and each boy carries what he requires strapped on his shoulders. They divide into several groups--one group marching as leaders, another bringing up the rear, another acting as scout and so on. They study history, natural history, the roads and how they were made, the raising and moving of crops and many other things. They visit the homes where men famous in war, government or literature have lived. They learn poems associated with places. From such journeys the students, in three days to three weeks, they return to their own communities with many new things of interest to talk about and much valuable information. They write essays on their travels and observations. This outdoor study in Germany is considered important enough to be made the subject of an extended report in a volume just issued by the English Education Office.

THE BIRDS AND THE BELL.

Why the Sexton Had Trouble Sunday. The Call to Church. From the St. Louis Globe-Democrat. Peter Muth, the sexton of St. Peter and Paul's church, was one of the most surprised men in St. Louis Sunday morning when he pulled the bell rope which hangs from the belfry and there was a steady whirring of wings as a shower of straw and twigs fell about him. For a moment Peter stood there motionless and astounded. Then he gave another and a more earnest tug at the rope. The result was the same, and Peter, mindful of his parishioners, stepped out and started up the narrow stairway. He was panting when he stuck his head through the little trapdoor beneath the bell, but what he saw nearly took away what breath remained. The bell is one of those which are rung by the use of a wheel, and when it ceased ringing on the Sunday previous, instead of hanging in its proper position, it had stopped at an angle which made it an admirable place for the building of a cozy family residence for Mr. and Mrs. Strawn--and some friends. The bell had been half filled with twigs and woolen, the whole tightly interwoven about the clapper until it was a compact mass, which held fast to the iron tongue and refused to let go its duty. The sexton carefully removed this mass, and an examination of the bell showed it stopped where it did because of a loose pin. Old Peter replaced that, and the old bell again rang out its Sunday morning welcome.

AMERICAN WHEELS ABROAD.

From the New York Sun. Complaint has been made from time to time that American bicycles were poorly suited to the tastes and necessities of wheelmen in other countries, and the makers of Uncle Sam's wheels have been advised to give closer attention to the desires of foreign trade. It is desired to increase their industry. As a matter of fact, the great favor with which foreigners have received American wheels during the present year has caused a serious shock to competing manufacturers in several countries. The result of disinterested comparison is further proof of the superior skill and workmanship of American mechanics.

CASTORIA

For Infants and Children.

The foreigner naturally prefers to buy a wheel of his own country's make, provided he can find one that meets his fancy. But he is not likely to sacrifice personal comfort for the sake of encouraging home industry. Hence it happens that during the past year the sale of American bicycles in Great Britain and in several of the countries in continental Europe has been very large. According to the report of Mr. Parker, the United States consul at Birmingham, England, the exports of

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A NEW B. AND O. BRIDGE.

Quite a number of miles of new 80-pound steel rail has been laid on the Columbus and Newark division of the Baltimore and Ohio replacing 67-pound rail. Almost half a mile of trestle has been converted into an embankment on the same division. Other improvements on the Baltimore and Ohio line west of the Ohio river include a four-span steel bridge 600 feet long across the Muskingum river at Zanesville and two iron bridges on the Midland division. A new passenger and freight depot has been built at Wooster, and a new freight house at Bellaire.

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This MAGICAL TREATMENT may be taken at home under their directions, or they will pay railroad fare and hotel bills to all who prefer to go there for treatment, if they fail to cure. They are perfectly reliable, have no Free Prescriptions, Free Cure, Free Sample, or C. O. D. fake. They have \$250,000 capital, and guarantee to cure every case they treat or refund every dollar; or their charges may be deposited in a bank to be paid to them when a cure is effected. Write them today.

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